REMARKS

In the Office Action mailed February 7, 2007, the Examiner noted that claims 1-31 were pending, allowed claim 26 and rejected claims 1-25 and 27-31. Claims 1, 5, 12, 15, 19, 20-21, 27-28, and 31 have been amended, new claim 32 has been added and, thus, in view of the forgoing claims 1-32 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

On page 3 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102 as anticipated by Anft.

Anft is directed to a mechanical interface where a wheel 11 (see figure 5) is rotated to select among menu symbols 23 that are "painted" on a cover 21 by selecting a number that corresponds to a menu item. Once a number is in the desired selection position the wheel is pushed sideways for a selection which is detected by sensors 18/19. Anft notes that this is an "analog" selection display (see col. 4, line 8). That is, Anft does not teach or suggest "a graphical user interface" - claim 1. Nor does Anft teach or suggest such a digital interface "located responsive to a natural motion by a user associated with an end of a range of the natural motion" - claim 1.

The cover plate 21 of Anft is a circular (a complete circle or closed curve) cover plate 21 not "an arc shaped persistent graphic defining the interface area" and particularly not "where the arc is substantially perpendicular to a natural motion path of the natural motion" - claim 1. (arc - a continuous **portion** (as of a circle or ellipse) of a curved line. - Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated).

The Examiner, on page 4, compares the "controls" of the claim to the painted symbols 23. The painted symbols 23 are not controls that initiate an action ("initiating an action" - claim 1). (See control - In a graphical user interface, an object on the screen that can be manipulated by the user to perform an action. Microsoft Computer Dictionary, 1999).

It is submitted that the present claim 1 patentably distinguishes over Anft and withdrawal of the rejection is requested.

On page 4 of the Office Action, the Examiner rejected claims 1-4, 6-9 and 11 under 35 U.S.C. § 102 as anticipated by Selker.

Selker is directed to a pie menu.

The Examiner, in hindsight, is asserting that the 11-14 and 21-24 parts of the menu in

Selker "are located responsive to a natural motion of a user" (see page 4). This is contrary to what Selker says is the bias for the menu item locations (see paragraphs 6, 13-16, 19-23). Selker says nothing about locating a menu with controls based on a natural motion of a user. In particular Selker does not teach or suggest "a graphical user interface" that is "located responsive to a natural motion by a user associated with an end of a range of the natural motion" - claim 1.

On page 4, the Examiner compared "fixed menus" of Selker in paragraph 46 with the "persistent" graphic of claim 1. In the context of Selker, persistent means a time invariant arrangement (see paragraph 6). This is in contrast to being persistent (persistent - existing for a long or longer than usual time or continuously - Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated).

Like discussed above with respect to Anft, the Examiner compares the circular shape (again a complete circle or closed curve) of the pie menu to the arc shaped interface of claim 1. However, Selker does not teach or suggest "an arc shaped persistent graphic defining the interface area" and particularly not "where the arc is substantially perpendicular to a natural motion path of the natural motion" - claim 1.

As noted above, the circles of Selker are multiple level hierarchical pie menus with menu items. In contrast, the interface of claim 1 includes controls that initiate an action ("initiating an action" - claim 1).

The Examiner makes allegations about Selker and claims 2-4 and 11 that are submitted to be unsupported by Selker.. For example, the Examiner asserts that paragraph 46 supports, with respect to claim 11, the interface being in a lower left corner as well as any other position ("anywhere"). Paragraph 46 says no such thing. And in particular says nothing about being in lower left corner.

It is submitted that the present claims patentably distinguish over Selker and withdrawal of the rejection is requested.

On page 7 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. § 102 as anticipated by Tambata.

Tambata is directed to an icon based system (see icons B1-B5 of figure 4) for a vehicle in which icons are moved radially inward relative to a face representation surrounded by what Tambata characterizes as semicircles representing "bubbles" so that other icons associated with the selected icon can be displayed in an outer semi circle. Tambata discusses the icons being

selected and they can be selected via a touch panel of input unit 15. However, Tambata is silent about how the selection occurs. The system also can display navigation information.

Claim 31 calls for a "menu bar interface graphic" and Tambata does not teach or suggest a menu bar much less one that is semicircular. Typical menu bars are not circular. See menu bar - A horizontal menu that appears on top of a window. Usually, each option in a menu bar is associated with a pull-down menu. Webopedia, Copyright 2007 Jupitermedia Corporation All Rights Reserved.

As noted above, Tambata moves the icons about as icons are selected. Whereas claim 31 emphasizes a fixed position for the menu.

Tambata does not discuss a multiple control ("controls") interface with the menu in a corner. Claim 31 emphasizes the interface is in a corner.

Claim 31 recites that the controls are accessible "via a natural motion". The natural motion of reaching in a car is different from that associated with a hand held device or tablet and in particular a natural motion as in Tambata does not result in an interface "located in a corner responsive to a natural motion by a user associated with an end of a range of the natural motion where the semicircular shaped graphic is substantially perpendicular to a natural motion path of the natural motion".

It is submitted that claim 31 patentably distinguishes over Tambata and withdrawal of the rejection is requested.

On page 7 of the Office Action, the Examiner rejected claims 5, 21 and 22 under 35 U.S.C. § 102 as anticipated by Keely.

First, on page 2 of the Action with respect to the rejection over Keely, the Examiner, with respect to the menu 170 of Keely, argues that "oriented toward a corner" means located in a corner. By extension, if the menu 170 is located in exactly the center of a display area but oriented toward a corner, under the Examiner's interpretation, the menu is in a corner. This does not make sense. How can something in a center of a rectangle be located in a corner, particularly "a lower corner of a display area" - claim 5. Withdrawal of the rejection for this reason is requested.

We note that Keely, at col. 6, lines 59-63, describes the menu arrangement as being a hemisphere (half of a spherical or roughly spherical body). Claim 5 emphasizes that the graphic is an arc.

Claim 5 also emphasizes that the interface is "located responsive to a natural motion by a user and associated with an end of a range of the natural motion" and the arc of the graphic is "substantially perpendicular to a natural motion path of the natural motion".

Claims 21 and 22 emphasize similar features.

It is submitted that claims 5, 21 and 22 patentably distinguish over Keely and withdrawal of the rejection is requested.

Page 9 of the Office Action rejects claims 12-14, 20, 23-25 and 27-30 under 35 U.S.C. § 103 over Keely and Selker. The combination of Keely and Selker does not teach or suggest the features of these claims for the reasons discussed above. It is submitted that the claims distinguish over the prior art and withdrawal of the rejection is requested.

Page 15 of the Office Action rejects dependent claim 10 under 35 U.S.C. § 103 over Selker and Kurtenbach. Kurtenbach adds nothing to Selker with respect to the features discussed above. It is submitted that claim 10 distinguishes over the prior art and withdrawal of the rejection is requested.

Page 16 of the Office Action rejects claims 15-17 under 35 U.S.C. § 103 over Keely, Selker and Anderson. Anderson adds nothing to Keely and Selker with respect to the features of claim 15 similar to those discussed above (and likewise 16 and 17). It is submitted that claims 15-17 distinguish over the prior art and withdrawal of the rejection is requested.

Page 19 of the Office Action rejects claims 18 and 19 under 35 U.S.C. § 103 over Keely, Selker, Anderson and Kurtenbach. Claim 18 depends indirectly from claim 15 and is patentable for the reasons discussed above. Independent claim 19 also emphasizes the patentable features discussed above. It is submitted that claims 18 and 19 distinguish over the prior art and withdrawal of the rejection is requested.

New claim 32 emphasizes a pair of interfaces on opposite ends of the natural motion as well as them being in an arc shape that is substantially perpendicular to the motion. Nothing in the prior art teaches or suggests such. It is submitted that these new claims, which are different and not narrower than prior filed claims, distinguish over the prior art.

It is also submitted that claim 26 continues to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to

this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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